



AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE MONDAY 14TH APRIL 2025 AT 6.30PM IN THE GUILDHALL

There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the lower Guildhall.

You are hereby SUMMONED to attend the **Council Matters Committee** on **Monday 14th April 2025**
at 6.30pm in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors C Beavis, T Bennett, J Chinnock, J Hannam, D Peters, E Price and T Robshaw.

1. WELCOME AND APOLOGIES FOR ABSENCE

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 90 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

To receive apologies and to confirm that any absence has the approval of the Council.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

The Committee will convene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 10th March 2025 and update on any matters arising. Document attached [page 4].

3. STRATEGY DELIVERY WORKING GROUPS

To consider any budgetary recommendations from the following (document attached, page 7):

- a. Community Working Group, 6th January 2025.
- b. Economy Working Group, 15th January 2025.
- c. Environment and Public Realm Working Group, 29th January 2025.

4. MAYOR'S ENGAGEMENTS AND BUDGET

To consider the Mayor's engagements since January 2025 and the current budget. Documents attached [page 9].

5. STANDING ORDERS

To review Standing Orders and make a recommendation to Full Council. Document attached [page 10].

6. RISK REGISTER

To review the Risk Register. Document attached [page 40].

7. EARMARKED RESERVES

To review the earmarked reserves. Document attached [page 52].

8. CODE OF CONDUCT

To review the Council's Code of Conduct. Document attached [page 53].

9. LEGIONELLA MANAGEMENT PLAN

To review the Legionella Management Plan. Document attached [page 68].

10. APPRAISAL POLICY

To review the Appraisal Policy for officers. Document attached [page 75].

11. BUDGET MONITOR FORMAT

To consider what Budget Monitor information members want to receive monthly. Verbal update.

12. YEAR END TIMELINE

To note the year end timeline for financial year 2024/25. Document attached [page 78].

13. S137 VALUE FOR 2025/26

To note the revised S137 value for 2025/26. Document attached [page 78].

14. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 19th May 2025 at 6.30pm in the Guildhall. No document.

*The Committee will be asked to **RESOLVE** to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

15. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for March (financial). Documents attached.

16. GUILDHALL MUNIMENT ROOM INVENTORY

To consider an inventory of the muniment (financial). Document attached

17. BUILDING CONDITIONS SURVEY

To note a summary of the building conditions survey and to consider a quote for works (financial and commercial). Documents attached.

18. ANNUAL APPRAISALS

To note the outcome of the annual officer appraisal process (staffing). Document to follow.

19. STAFF ATTENDANCE

To note sickness and overtime balances (staffing). Document attached.

20. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing). Verbal update.

Catherine Marlton

Town Clerk

9th April 2025

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or Committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.



DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 10TH MARCH 2025 AT 6.30PM IN THE GUILDHALL

Present: Councillors D Peters (Chair), C Beavis, T Bennett, J Chinnock, J Hannam and E Price.

Apologies: Cllr Robshaw.

In Attendance: Member of the public, C Marlton (Town Clerk).

1. APOLOGIES FOR ABSENCE

The Chair read a statement about how the meeting would be conducted and recorded. The apologies were accepted.

The Committee adjourned for the following items:

PUBLIC QUESTION TIME

A member of the public asked about Baltic Wharf and the planning application being refused. Cllrs explained the role of the Town Council as a statutory consultee but not a decision making authority. The reasons the Planning Committee objected previously were outlined by the Chair of Planning Committee. It was suggested the member of the public approach District Councillors and also Totnes Society for further information.

The Committee convened to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 10th February 2025 and update on any matters arising.

The minutes were **AGREED** unanimously as an accurate record of the proceedings.

3. BUDGET MONITOR

To consider the Budget Monitor and to review what information members want to receive monthly.

The budget monitor was **AGREED**. It was **AGREED** to table an item on the April agenda to discuss the documents members wished to receive at Committee.

4. STRATEGY DELIVERY WORKING GROUPS

To consider any budgetary recommendations from the following (documents attached):

a. Community Working Group, 11th February 2025.

Totnes Carnival and Lantern Group 2025 (ref CD2). It was unanimously **AGREED** to award £3000 total to support the continuation of the Odd Object Competition and the Christmas Lantern Procession. £2000 of this will be granted to Better Places on receipt of an invoice for the Summer events and Odd Object competition. It was **AGREED** to grant the Clerk

delegated authority to decide who to pay £1000 to for the Christmas Lantern procession, either Better Places or the Carnival Committee.

Caring Town 2025/26 support (ref CD4). It was **AGREED** to grant the Clerk delegated authority to pay £9000, subject to a meeting with Caring Town for more detailed discussion on the objectives and structure of the organisation. The invitation to this meeting should include both Community Working Group and Council Matters Committee members.

b. Economy Working Group, 12th February 2025.

No recommendations.

c. Environment and Public Realm: Bridgetown Alive map details.

Bridgetown Alive! Maps. It was **AGREED** in principle to cover the £230+VAT for two copies of the maps (one large and one small), but only on the basis that the Environment and Public Realm Working Group agree to the locations. It was **AGREED** that when the locations are confirmed that the Town Maintenance team should install the signage.

5. CEMETERY FEES

To consider a review of the Cemetery Fees for financial year 2025/26.

It was **AGREED** by majority that a 7.5 percent increase should be applied to the existing cemetery fees.

6. MENOPAUSE POLICY

To consider a draft Menopause Policy for the Council.

It was **AGREED** to adopt the draft Menopause Policy.

7. CIVIC BUDGET AND MAYORAL ALLOWANCE POLICY

To review the Civic Budget and Mayoral Allowance Policy .

To **RECOMMEND** to Full Council that the revised Civic Budget and Mayoral Allowance Policy is adopted.

8. CIVIC PROTOCOL AND PROCEDURE REVIEW

To review the Civic Protocol and Procedure.

To **RECOMMEND** to Full Council that the revised Civic Protocol and Procedure is adopted.

9. PRIVACY NOTICE

To review the Privacy Notice [for website and external use].

To **RECOMMEND** to Full Council that the revised Privacy Notice is adopted.

10. PRIVACY POLICY

To review the Privacy Policy [internal guidance for Councillors and officers].

To **RECOMMEND** to Full Council that the revised Privacy Policy is adopted.

11. COUNCIL GRANTS REPORT

To note a report of community organisation's assessment of their projects which received Community Grant funding in June 2024

Noted.

12. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 14th April 2025 at 6.30pm in the Guildhall.

Noted.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

13. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for February (financial).

These were reviewed and **AGREED**.

14. GUILDHALL COTTAGE

To consider the vacancy in Guildhall Cottage to undertake maintenance and the reduction of income (financial).

The vacancy and subsequent loss of income was noted. It was **AGREED** that remedial works should take place while the property is unoccupied. It was noted that this may take some time as various permissions will apply as the property is listed.

15. CCTV AT THE CIVIC HALL

To consider the purchase and installation of an additional camera as part of the Closed Circuit Television system at the Civic Hall (commercial).

The funding was **AGREED** to purchase an additional camera for the Civic Hall. South Hams District Council will be asked for permission to site the camera and whether they would help contribute financially given the coverage will help protect the Public Toilets.

16. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing).

Noted.

The meeting closed at 8.20pm

Catherine Marlton
Town Clerk
March 2025

ITEM 3 – STRATEGY DELIVERY WORKING GROUPS

4a. Community Working Group, 1st April 2025.

Item 2b - To consider the submissions for Christmas Lighting installation 2025. To **RECOMMEND** to the Council Matters Committee to agree the appointment of the lighting install contractor, as outlined in the papers.

4b. Economy Working Group, 19th March 2025.

No financial recommendations made.

4c. Environment and Public Realm Working Group, 26th March 2025.

Item 2 – Bus Shelter map request. To **RECOMMEND** to the Council Matters Committee for the purchase [previously agreed in principle] and install as follows:

- Higher Westonfields: to install a large landscape map and accompanying Bridgetown information (as detailed in the leaflet). The bus shelter will need painting and weeds/vegetation cut back by the TMO before installation.
- Coronation Road: a large landscape profile map (with a suitable heading but omitting the detailed information about Bridgetown) is purchased and erected on the inside wall at the left hand end of the shelter (which needs to be repainted and fly posters removed).

To **RECOMMEND** that the Bridgetown Map/walk is added to the Visit Totnes website.

Additional request from Bridgetown Alive, received 8th April:

£80 (maximum) to amend the artwork to create a heading, correct size and shape for printing and updates to the plan.

To consider the map to go in the Coronation Road shelter to contain the information about Bridgetown (which would make them easier to print and bring the cost down slightly if identical to the Higher Westonfields map).

Officer note: discussion at the Working Group of the inclusion of Bridgetown information was felt to be of relevance to the Higher Westonfields bus shelter only.

Item 3a - Request to place a memorial bench for Judy Westacott on The Plains (privately funded purchase).

To **RECOMMEND** to the Council Matters Committee that the Council accepts the request to place a memorial bench on The Plains on the understanding that the Town Council will provide routine upkeep but that it reserves the right to remove the bench if it becomes unsafe/unserviceable.

Item 3e - Vire Island – consider what tasks to be included and costed for the tidy up [budget £2.5K in FY 24/25]. Following a visit to Vire Island by Cllrs Auletta, Collinson, Hodgson and Peters to **RECOMMEND** to the Council Matters Committee that the following tasks are considered as part of the Phase 1 work to tidy up Vire Island and that quotes are obtained to carry out this work (with the agreement of SHDC):

- Removal of vegetation – spotted laurel and spiky shrub.

- Cut back laurel to 1m in height.
- The purchase and installation of a bench on an existing concrete pad.
- Request that SHDC erect signs to ask dog owners to take care of their animals and stop them digging around the tree bases.

ITEM 4 – MAYOR'S ENGAGEMENTS AND BUDGET

Date	Event
January	
23	Pantomime TAODS
30	Totnes Caring Memory Café
February	
5	Mayors and Clerks Meeting
16	Totnes Civic Service and Lunch
March	
13	Guildhall Volunteer Reception
21	Opening of Saltmarsh Boardwalk

<u>Civic Events Budget 24/25</u>	As at 31/3/25	<u>Mayoral travel Budget 24/25</u>	
Allocation	3500.00	Allocation	330.00
Civic Service ticket sales	300.00		
<u>Expenditure</u>		<u>Expenditure</u>	
Stamps for invitations	10.20	Rail tickets to Plymouth x 2	21.40
Plymouth Mayor's dinner x 2 tickets	104.00	Rail ticket to plymouth x 1	12.00
Bellringer for Mayor Making	160.00	P.Bethel travel claim	13.50
Catering for Mayor Making	231.00	P.Bethel travel claim	7.20
Medal engraving	39.75	Cllr Price mileage claim	21.60
Groceries for Mayor Making	57.79		
Lanyards for medals	6.57	Total unspent	<u>254.30</u>
Flowers and groceries for Mayor Making	29.85		
Organist for Mayor Making	60.00		
Enscribing Mayor's board	95.00		
Poppy Wreaths x 2	40.82		
Murder Mystrey deposit	50.00		
Plymouth Mayor's dinner x 2 tickets	100.00		
GH Volunteers thank you tea	59.27		
Xmas cards	23.60		
Xmas party food & wine	128.92		
Repairs to Pegasus	80.00		
Civic Service buffet	698.59		
Volunteers party food	12.80		
Donations	40.00		
Total unspent	<u>1771.84</u>		
<u>Event costs</u>			
Mayoral Choosing	578.69		
Civic Service	398.59		

STANDING ORDERS

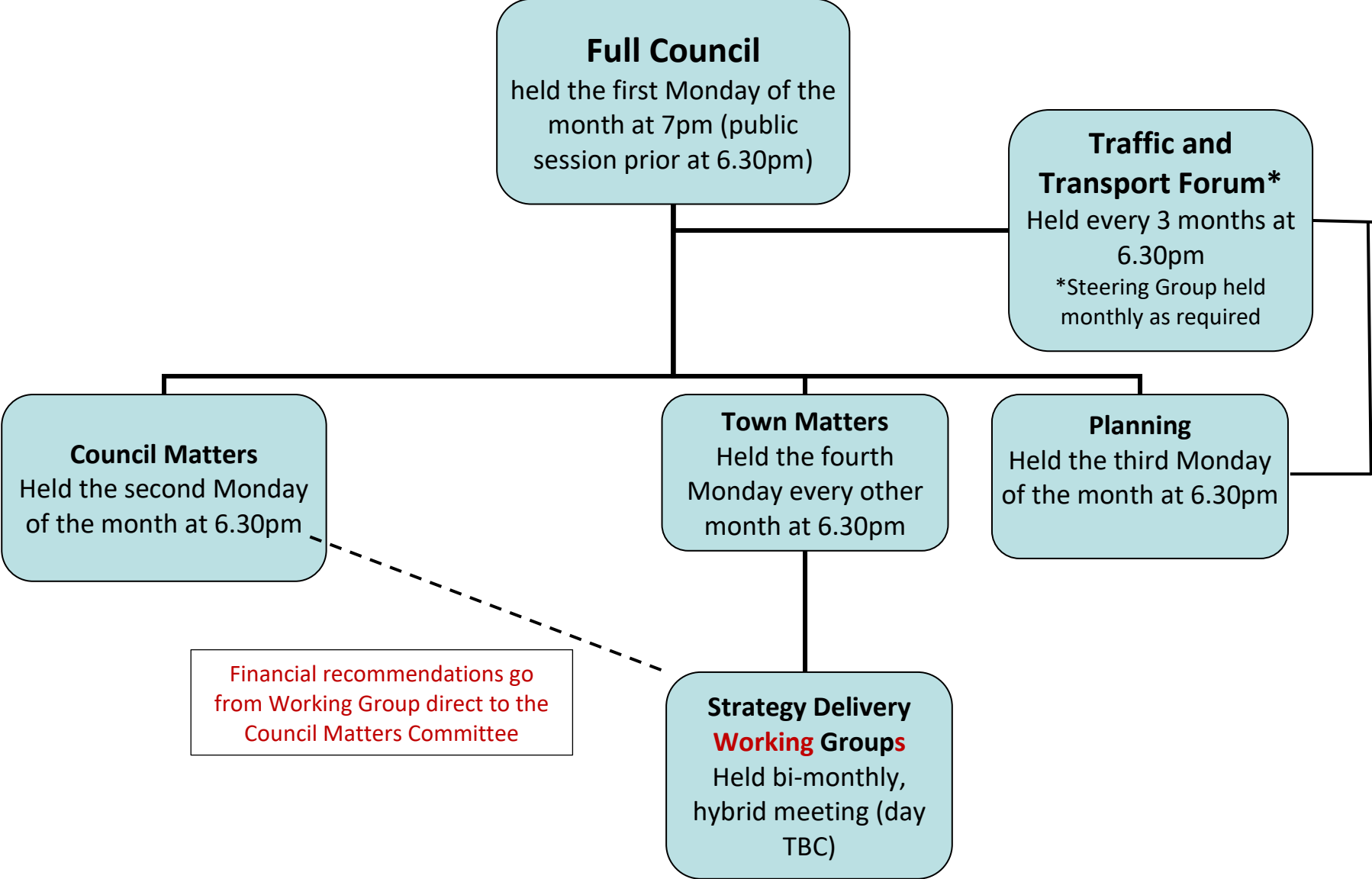
TOTNES TOWN COUNCIL

Last reviewed May 2024, updated July 2024

Proposed Amendments May 25 (all changes in **red** and deletions shown as struck through)

- Structure updated to reflect:
 - Removal of Strategy Delivery Group.
 - New Devolution Working Group to sit alongside the Community, Economy and Environment strategy delivery Working Groups and the reporting chain.
- Section 4m – new sentence to reflect inclusion of the Council’s Scheme of Delegation into this document.
- Sections 14 and 22 – updated to reflect change in post title to Finance and HR Manager.
- Section 15 – 2025 update to the NALC model Standing Orders to comply with new procurement legislation and to ensure consistency with the model financial regulations.
- Section 19 – 2025 update to the NALC model Standing Orders to serials a) and b) deleted and ‘Principal Councils’ replaces ‘District and Unitary Councils’ to better reflect Code of Conduct requirements.
- Existing Section 28 – Strategy Delivery Group deleted.
- New Section 28 (previously Section 29) Renamed Strategy Delivery ~~Group~~ Working Groups. Terms of Reference for Working Groups, which includes updates to language to reflect how the Working Groups have been functioning, increase in the maximum number of members, and details for the new Devolution Working Group (proposed membership and purpose). Renumbering of subsequent sections.
- New Annex A – Scheme of Delegation (previously agreed, and will need to be updated if Standing Order amendments are agreed).

STRUCTURE



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Text in bold is required by statute

1. Meetings

- a) Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b) The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c) Councillors are expected to attend meetings.
- d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e) Members of the public may make representations, raise questions, give evidence during a 30 minute open and informal session prior to Full Council, and 15 minute session at the beginning of Committee meetings. The period of time designated for public participation at a meeting shall not be exceeded unless directed by the chair of the meeting. An individual member of the public shall not speak for more than 3 minutes.
- f) Any items raised by members of the public that require a decision will be referred by the Chair to the relevant committee for consideration by the usual committee process. Questions requiring a factual answer may be answered by the Chair or be referred by the Chair to the Clerk or a relevant Councillor.
- g) Subject to standing order 3(h), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- h) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- i) The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- j) Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by the Deputy Chair.
- k) The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Deputy Chair, if present, shall preside. If both the Chair and the Deputy Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- l) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and by voting thereon.
- m) The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.
- n) Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the

voting on any question shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question.

o) The minutes of a meeting shall record the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

p) The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.

q) A Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.

r) No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.

s) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.

t) Full Council meetings will not exceed 120 minutes in length unless there are exceptional circumstances, at which time Members vote by majority to extend the length of the meeting. Committee, Working Group and Forum meetings should not exceed 90 minutes in length unless there are exceptional circumstances, at which time Members vote by majority to extend the length of the meeting.

2. Ordinary Council meetings

a) In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.

b) In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.

c) If no other time is fixed, the annual meeting of the Council shall take place at 7.00pm.

d) In addition to the annual Town Council meeting of the Council, at least three other ordinary meetings shall be held on such dates and times as the Council directs.

e) The election of the Chair and appointment of the Deputy Chair of the Council shall be the first business completed at the annual meeting of the Council. The Mayor appoints a Deputy without the need for an election.

f) The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.

g) The Deputy Chair of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.

h) In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.

i) In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. They may exercise an original vote in respect of the election of

the new Chair of the Council and must give a casting vote in the case of an equality of votes.

j) Following the election of the Chair of the Council and Deputy Chair of the Council at the annual meeting of the Council, the order of business will include:

i. In an election year, delivery by Councillors of their declarations of acceptance of office forms and to grant permission for absent Councillors to sign their declarations in the presence of the Clerk outside of the Annual Meeting.

ii. In a non-election year, delivery by the Chair of their acceptance of office form.

i. Review delegation arrangements to committees and sub-committees and make appointments where appropriate;

v. Review terms of reference for committees;

vi. Appointment of members to existing committees;

vii. Review the Council's Standing Orders;

viii. Review of representation on or work with external bodies and arrangements for reporting back;

ix. Set the dates, times and place of ordinary meetings of the Council and any committees and sub-committees agreed for the year ahead.

3. Extraordinary meetings of the Council

a) The Chair of the Council may convene an extraordinary meeting of the Council at any time.

b) If the Chair of the Council does not to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting. The statutory public notice giving the time, venue and agenda for such a meeting shall be signed by the two Councillors.

4. Committees, sub-committees and working groups

a) Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

b. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

c) The Council may appoint standing committees and sub-committees at any meeting.

d) Terms of reference, membership and Chair of any committee or sub-committee shall be approved by Council and form part of the Standing Orders.

e) The Council will determine whether the public may participate at a meeting of the committee or sub-committee.

f) The Council may dissolve a committee, sub-committee or Working Group at any meeting.

g) The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.

h) Subject to Standing Order 4 (g) above, the Council and Standing Committees may appoint working groups without delegated powers comprising between a minimum of three Councillors and a maximum of nine Councillors with powers to co-opt non-Councillors on a nonvoting basis. The quorum of any working party must be at least three Councillors.

i) Working groups do not have any delegated authority in terms of decision making or expenditure but instead are a way of discussing issues and projects informally and including members of the community.

j) All non-Councillor members of a Working Group are allowed on a non-voting basis only and must agree to abide by the Town Council Code of Conduct.

k) A Working Group must appoint a Chair and produce brief action notes to be fed back to the appropriate Council committee for further discussion and decision making.

l) Chairs of committee are required to undertake DALC training 'Chairing Local Council Meetings' within 2 months of starting the role.

m) A Scheme of Delegation at Annex A sets out the delegated powers and financial delegations held by the various Committees and Working Groups.

5. Motions

- a) A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b) No motion may be moved at a meeting unless it falls under an item on the agenda. Best practice states that the mover has given written notice of its wording to the Proper Officer at least three clear working days before the meeting. Clear days do not include the day of the notice or the day of the meeting. Verbal motions will be allowed in exceptional circumstances at the discretion of the Chair.
- c) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting, or the Councillors that have convened the meeting, to consider whether the motion shall be included or rejected.
- d) Subject to Standing Order above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- e) The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to appoint a person to preside at a meeting;
 - ii. to approve the absences of Councillors;
 - iii. to approve the accuracy of the minutes of the previous meeting;
 - iv. to dispose of any business remaining from the last meeting;
 - v. to alter the order of business on the agenda;
 - vi. to proceed to the next business on the agenda;
 - vii. to close or adjourn debate;
 - viii. to move to a vote;
 - ix. to defer consideration of a motion;
 - x. to require a written report;
 - xi. to extend the time limits for speaking;
 - xii. to exclude the press, public and non-committee Councillors for all or part of a meeting;
 - xiii. to silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend any Standing Order except those which are mandatory by law;
 - xvi. to appoint representatives to outside bodies and to make arrangements for those representatives to report back;
 - xvii. to adjourn the meeting;
 - xviii. to close a meeting.

6. Rules of debate at meetings

- a) A motion shall not be considered unless it has been proposed and seconded.
- b) Motions must be clear and concise.
- c) The Chair shall decide the order in which amendments are considered and dealt with.
- d) Only one amendment shall be moved at a time.
- e) The mover of a motion or the mover of an amendment shall have the right of reply.
- f) During the debate of a motion, a Councillor may interrupt only on a point of order or if the Chair asks for an explanation. The Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they

consider has been breached or identify any irregularity.

g) A point of order shall be decided by the Chair and their decision shall be final.

h) The Chair shall be satisfied that a motion has been sufficiently debated before it is put to a vote.

i) When a motion is under debate no other motion shall be moved except:

- i. To amend the motion;
- ii. To proceed to the next business;
- iii. To adjourn the debate;
- iv. To put the motion to a vote;
- v. To ask a person to be silent or for them to leave the meeting;
- vi. To exclude the public, press and non-committee Councillors;
- vii. To adjourn the meeting;
- viii. To suspend any Standing Order, except those which are mandatory.

j) If the Chair stands up during a meeting all discussion and debate shall cease.

7. Code of Conduct and Dispensations

a) All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council on May 15th 2023.

All Councillors and Working Group members will adhere to the 7 Nolan Principles as outlined under section 29.

EXPLANATION OF PECUNIARY INTEREST TAKEN FROM CODE OF CONDUCT

Disclosable Pecuniary Interests

7. *The interests you must register are:*

7.1 *Those disclosable pecuniary interests defined by the Regulations, namely:*

(a) Employment - any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;

(b) Sponsorship - any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;

(c) Contracts - any contract which is made between you or, so far as you are aware, a relevant person (as defined at Paragraph 2 above) (or a body in which the relevant person has a beneficial interest) and the Council:

(1) under which goods or services are to be provided or works are to be executed; and

(2) which has not been fully discharged

(d) Land - any beneficial interest in land held by you, or so far as you are aware, a relevant person, which is within the area of the Council;

(e) Licence - any licence (alone or jointly with others) to occupy land held by you, or so far as you are aware, a relevant person in the area of the Council which will last for a month or longer

(f) Corporate Tenancies -any tenancy where (to your knowledge):

(1) the landlord is the Council; and

(2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.

(g) Securities - any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:

(1) that body (to your knowledge) has a place of business or land in the area of the Council and

(2) either:

- (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or*
- (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.*

- b) Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c) Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d) **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f) A dispensation request shall confirm:
- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.

g) Subject to standing orders 7(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].

h) **A dispensation may be granted in accordance with Standing Order 7(e) above if having regard to all relevant circumstances the following applies:**

- i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or**
- ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
- iii. **it is otherwise appropriate to grant a dispensation.**

8. Disorderly Conduct

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b) If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made in accordance with Standing Order 8(b) is ignored, the Chair may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

9. Minutes

- a) Minutes, including any amendment to correct their accuracy shall be confirmed by resolution at the subsequent Council meeting.

b) A motion to correct an inaccuracy can be moved and agreed amendments shall be made to the final minutes.

c) If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.

10. Voting on appointments

a) Where two or more persons have been nominated for a position by the Council and none of those persons has an absolute majority of votes in their favour, the person having the least number of votes shall be struck off the list and a fresh vote taken.

b) This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

11. Previous resolutions

a) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 Councillors to be given to the Proper Officer.

b) When a motion moved pursuant to Standing Order 11(a) above has been disposed of, no similar motion may be moved within a further six months.

12. Management of Information including handling confidential or sensitive information

a) The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

b) The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

c) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

d) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

e) Councillors and staff will not disclose information given to them in confidence, or which they believe or ought to be aware, is of a confidential nature. Any confidential papers issued should be returned to the Clerk at the end of each meeting for appropriate disposal.

13. Proper Officer

a) The Council shall appoint a Proper Officer who shall be the Town Clerk. The management team will undertake the work of the Proper Officer when the Proper Officer is absent.

b) The Proper Officer shall:

- i. give public notice of the time, date, venue and agenda at least three working clear days before a meeting of the Council or a meeting of a committee or subcommittee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
- ii. serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email),
- iii. convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
- iv. attend Council meetings OR delegate to the a member of the management team;
- v. make the minutes of meetings available for inspection by the public;

- vi. receive and retain copies of byelaws made by other local authorities;
- vii. receive and retain declarations of acceptance of office forms from Councillors;
- viii. process all requests made under the Freedom of Information Act 2000 and General Data Protection Regulation;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xi. arrange for legal deeds to be executed;
- xii. arrange authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiv. have overall managerial responsibility for the organisation, including staff;
- xv. implement the decisions of the Council via delegated authority;
- xvi. provide objective, professional advice on all matters.

14. Financial Matters

The Council shall appoint the Proper Officer to be the Responsible Financial Officer. The Finance and HR and Lettings Manager shall undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i. the keeping of accounting records and systems of internal controls;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually; and
- iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments.

b) Financial regulations shall be reviewed regularly and at least every 2 years for fitness of purpose (Appendix B).

15. Financial controls and procurement

~~a) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender 20 summarised in standing order 15(c) below.~~

~~b) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement). c) Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:~~

- ~~i. a specification for the goods, materials, services or the execution of works shall be drawn up;~~
- ~~ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;~~
- ~~iii. The invitation to tender shall be advertised on the Town Council website and Facebook page. If Public Contracts Regulations apply it must be placed on the Contracts Finder website regardless of what other means it uses to advertise.~~

~~d) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European~~

~~Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.~~

~~e) A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.~~

~~f) The Council or committees are not bound to accept the lowest value tender.~~

~~g) Procedures for the management of capital projects require payments only against certified completions under a planned and approved programme of works governed by a properly negotiated contract supervised by a named Council officer.~~

a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
- and
- v. whether contracts with an estimated value below [60,000] due to special circumstances are exempt from a tendering process or procurement exercise.

b) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c) Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
- iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer or electronically by email to the Proper Officer;
- iv. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
- v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

d) Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

h) Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

16. Accounts and accounting statements

- a) "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. The Council Matters Committee with a budget spreadsheet summarising the Council's receipts and payments for the last year to date for information; and
 - ii. to the Full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e) The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March.
- f) The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

17. Annual budget and precept

- a) At least one community participatory budget process (event/survey) will take place per Council term (i.e. once every four years) prior to the annual budget setting by the Council.
- b) **The Council shall approve a budget for the coming financial year before the end of January** and instruct the Responsible Financial Officer to submit the precept demand to the District Council.

18. Execution and sealing of legal deeds

- a) **A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.**
- b) **Subject to standing order 18(a) above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

19. Allegations of Breaches of the Code of Conduct

- ~~a) Alleged breaches of the Code of Conduct by a Councillor must be referred to the Monitoring Officer at the District Council.~~
- ~~b) On receipt of a notification that the District Council is dealing with a complaint that a Councillor has breached the code of conduct, the Town Clerk will report this to Council.~~
- ae) Upon notification by the ~~Principal District or Unitary~~ Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**
- ~~bd)~~ Where that notification relates to a complaint made by the Town Clerk, the Governance and Projects Manager will assume the duties of the Town Clerk in relation to the complaint.
- ~~ce)~~ Where a notification relates to a complaint made by an employee (not being the Town Clerk), the Town Clerk will ensure that the employee in question does not deal with any aspect of the complaint.
- ~~df)~~ The subject matter of notifications will be confidential.

20. Handling staff matters

- a) A matter personal to a member of staff that is being considered by a meeting of Council OR the Council Matters Committee is subject to Standing Order 12 above.
- b) In relation to matters of staff absence and sickness all staff will conform to the Absence Management Policy adopted in July 2021. In the case of the Town Clerk (Proper Officer) being absent the Chair of the Council and a Councillor of the Proper Officers preference will undertake the management role and report back to the Council Matters Personnel Sub Committee.
- c) The Chair of the Council and a Councillor of the Proper Officers preference shall conduct a review of the performance and annual

appraisal of the work of the Proper Officer.

d) Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chair of the Council or in their absence, the Deputy Chair of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by the Council Matters Committee.

e) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer relates to the Chair or Deputy Chair of the Town Council, this shall be communicated to another member of the Council Matters Committee which shall be reported back and progressed by resolution of the Council Matters committee OR the Town Council.

f) Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

g) The Council shall keep all written records relating to employees secure.

h) Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 20(f) and (g) above if so justified.

i) Access and means of access to records of employment referred to in Standing Orders 20(f) and (g) above shall be provided only to the Clerk and the Finance ~~and HR and Lettings Manager.~~

21. Responsibilities to provide information

a) In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

b) The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

22. Responsibilities under Data Protection Legislation

a) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.

b) The Council shall have a written policy in place for responding to and managing a personal data breach.

c) The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

d) The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

e) The Council shall maintain a written record of its processing activities.

23. Restrictions on Councillor activities

a) No individual Councillor will, in the name or on behalf of the Council, a committee or a sub-committee:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. make decision or issue orders, instructions or directions.

24. Standing Orders generally

a) All or part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

b) A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 3 Councillors to be given to the Proper Officer in accordance with Standing Order 9 above or by recommendation of the Town Clerk in relation to national best practice, to be considered by Full Council.

c) The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after they have delivered their acceptance of office form.

d) The decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final.

25. Matters that must be Resolved only by Council

a) These include:

- i. Agreeing the Strategic Plan, the annual work programme, and the annual budget
- ii. Setting the precept demand
- iii. Borrowing money
- iv. Approving the end of year Accounts and approving submission of the Annual Return to the External Auditors

26. Committee Terms of Reference

26.1 Council Matters Committee

1. Authority

The Council Matters Committee is a Principal Committee of the Town Council and its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies. Meetings of the Council Matters Committee will be held monthly.

A Personnel Sub-Committee will be formed, consisting of the Chair and 3/4 other elected members of the standing committee and will meet only when needed. For example; staffing appeals committee. The quorum of this committee will be a third of the agreed membership.

2. Membership

The Committee will consist of no fewer than 6 elected Town Councillors and a maximum of 8, and its membership and the Chair will be elected by the Full Council annually. Both the Chair and Committee members will be re-elected each year in March/April. A Deputy Chair can be elected by the committee to fulfil the role of the Chair in their absence (if both are absent then any elected member can take the chair by agreement of the committee).

The **quorum** will be a minimum of a third of the elected committee membership (not less than three).

3. Remit

The Council Matters Committee will act as the Scrutiny Committee of the Council, monitoring the operational, civic, administrative, staffing and financial responsibilities as well as the assets of the Council. The day to day management of Council matters rests with the Town Clerk. The Council Matters Committee will be responsible for initiating, developing and monitoring any policies required for the Town Council to carry out its functions.

The Committee will be responsible (and have delegated authority) for all staff appointments; annual appraisal; training and development; the setting of staff salaries, hours of work and all matters relating to their individual contracts; sickness and staff welfare issues; and grievance and disciplinary matters.

The Committee must ensure that matters relating to the personal matters of staff are not published and that all staff records are held securely.

The Committee will consider actions related to expenditure from the notes of the Strategy Delivery Groups as required .

4. Operating Principles

The Council Matters Committee will meet monthly to accept reports, raise issues and act as a conduit to the Full Council on all of its responsibilities.

The Committee will be able to recommend the creation of subcommittees which need to be constituted to aid the work of the Committee. Membership of the subcommittee would come from the membership of the Council Matters Committee. However, it is

envisaged that most work will be done by the Committee itself, as it is from the Committee that recommendations to Full Council need to emerge.

The Committee may, of course, ask individual members to undertake any work which needs to be undertaken in relation to the workings of the committee e.g. developing a proposal, implementing tasks, working with the Clerk etc.

The Council Matters Committee may also recommend establishing Working Groups to undertake specific tasks within the responsibilities of the Committee (or across committee responsibilities) as defined within Standing Orders. Working groups are constituted with fixed terms of reference, and are time limited to the Council year they are constituted in. If they are to continue they will need to be reconstituted. Working groups may include Councillors not on the Council Matters Committee and members of the public, and their membership will be agreed at Full Council. They may be a task and finish group, or have a broader remit e.g. cemetery.

All committees, subcommittees and working groups are subject to the Town Council Standing Orders. The quorum for subcommittees and working groups would be a third of the agreed membership (not less than 3 Councillors present).

Prior to the commencement of the Committee meeting members of the public will have the opportunity to speak to the Committee, as defined within Standing Orders. With the agreement of the Committee, the Chair may suspend Standing Orders, if appropriate, to enable any interested parties to speak on a particular issue during the meeting.

5. Delegated Powers

The Council Matters Committee may approve the income and expenditure of the Council on behalf of the Council, within the remit of existing agreed Town Council financial regulations.

The Council Matters Committee has delegated powers to act on behalf of the Council in all matters relating to staff appraisals, staff appointments, staff grievances, the setting of staff salary scales and staff training.

6. Records of Proceedings

Written minutes will be taken to record the Committee's deliberations and decisions. They will be received at the next Full Council meeting. Formal adoption of minutes and any matters arising would be brought up at the next Council Matters Committee meeting. The minutes of any subcommittee will be included into the Council Matters Committee minutes to inform Council of the workings of that subcommittee. Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the Council Matters Committee on completion of their work, and may choose to prepare interim reports if they wish.

Full Council minutes will be agreed and signed at the following Full Council meeting, and minutes of committees will be noted.

7. Administrative Support

The Town Clerk will be or will nominate an officer to be responsible for the support and administrative duties of that Committee.

26.2 Town Matters Committee

1. Authority

The Town Matters Committee is a Principal Committee of the Town Council and its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies.

Meetings of the Town Matters Committee will be held every other month (where possible) on a set date.

2. Membership

The Committee will consist of no fewer than 6 elected Town Councillors, and a maximum of 10 and its membership and the Chair will be elected by the Full Council annually. Both the Chair and Committee members will be re-elected each year in March/April. A

Deputy Chair can be elected by the Committee to fulfil the role of the Chair in their absence (if both are absent then any elected member can take the chair by agreement of the committee).

The **quorum** will be a minimum of a third of the elected committee membership (not less than three).

3. Remit

The Town Matters Committee will consider on behalf of the Town Council any matters, excluding the physical nature of the town, and anything concerning the quality of life of people who live, work in or visit the town. This will include:

- The welfare of the elderly and vulnerable.
- Enrichment for children and young people
- Provision of social, leisure, sporting and recreational facilities.
- Provision of adult education, cultural and library services.
- Employment Strategy.
- Tourism Development.
- Crime and anti-social behaviour.
- Climate Emergency.
- Community Arts.

The Committee will consider non-expenditure actions from the notes of the Strategy Delivery Group. n.b. where these areas overlap with services provided by the Town Council e.g. the Civic Hall, the Council Matters Committee will deal with the issue.

4. Operating Principles

The Town Matters Committee will meet every two months to consider any significant issues in relation to its remit. The Town Matters Committee may consider any matter referred to it by a member of the public. The Committee will work in partnership with relevant organisations in the town and where necessary will seek to provide leadership or coordination for the activities of individuals or organisations involved in quality of life issues. In issues in conjunction with outside groups and with a Council mandate it can act in an advocacy capacity to support specific issues.

The Committee may, of course, ask individual members to undertake any work which needs to be undertaken in relation to the workings of the Committee e.g. developing a proposal, implementing tasks, working with the Clerk etc.

The Town Matters Committee will also be able to recommend the creation of Working Groups to undertake specific tasks within the responsibility of the Committee (or across Committee responsibilities) as defined within Standing Orders. Working groups are constituted with fixed terms of reference and are time limited to the Council year they are constituted in. If they are to continue they will need to be reconstituted. Working groups may include Councillors not on the Committee and members of the public, and their membership will be agreed at Full Council.

All committees, subcommittees and working groups are subject to the Town Council Standing Orders. The quorum for subcommittees and working groups would be 50% of the membership and in no case less than 3 Councillors present.

Prior to the commencement of the Committee meeting members of the public will have the opportunity to speak to the Committee, as defined within Standing Orders. With the agreement of the Committee, the Chair may, during the Committee meeting suspend Standing Orders, if appropriate, to enable any interested parties to speak on a particular issue during the meeting.

5. Delegated Powers

The Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.

6. Records of Proceedings

Written minutes will be taken to record the Committee's deliberations and decisions, will be received at the next Full Council meeting. Formal adoption of minutes and any matters arising will be brought up at the next Town Matters Committee meeting.

The minutes of any subcommittee will be included into the Town Matters Committee minutes to inform Full Council of the workings of that subcommittee. Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the Town Matters Committee on completion of their work, and may choose to prepare interim reports if they wish.

7. Administrative Support

The Governance and Projects Manager be responsible for the support and administrative duties of that Committee.

26.3 Planning Committee

1. Authority

The Planning Committee is a Principal Committee of the Town Council and its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies.

Meetings of the Planning Committee will be held every month to allow any urgent planning applications to be considered by Full Council.

2. Membership

The Committee will consist of no fewer than 6 elected Town Councillors, and a maximum of 10 and its membership and the Chair will be elected by the Full Council annually. Both the Chair and Committee members will be re-elected each year in March/April. A Deputy Chair can be elected by the Committee to fulfil the role of the Chair in their absence (if both are absent then any elected member can take the chair by agreement of the committee).

The **quorum** will be a minimum of a third of the elected committee membership (not less than three).

All Planning Committee Councillors will undertake DALC training 'Responding to Planning Applications' within 2 months of joining the Committee.

3. Remit

The Planning Committee will consider on behalf of the Town Council any matters, including the physical nature of the town, and anything concerning the quality of life of people who live, work in or visit the town. This will include:

- Planning applications, tree orders, licensing applications etc
- Traffic and Transport.
- Housing.
- Neighbourhood Plan review and inputs to Joint Local Plan review.

n.b. Where these areas overlap with services provided by the Town Council e.g. the Civic Hall, the Council Matters Committee will deal with the issue.

4. Operating Principles

The Planning Committee will meet every month to consider any significant issues in relation to its remit e.g. planning. The Planning Committee will consider all but only matters referred to it by the Full Council by letter evidence. The Planning Committee may consider any matter referred to it by a member of the public. The Committee will work in partnership with relevant organisations in the town and where necessary will seek to provide leadership or coordination for the activities of individuals or organisations involved in quality of life issues. In issues in conjunction with outside groups and with a Council mandate it can act in an advocacy capacity to support specific issues.

The Committee may, of course, ask individual members to undertake any work which needs to be undertaken in relation to the workings of the Committee e.g. developing a proposal, implementing tasks, working with the Clerk etc.

The Planning Committee will also be able to recommend the creation of Working Groups to undertake specific tasks within the responsibility of the Committee (or across Committee responsibilities) as defined within Standing Orders. Working groups are constituted with fixed terms of reference and are time limited to the Council year they are constituted in. If they are to continue they will need to be reconstituted. Working groups may include Councillors not on the Committee and members of the public, and their membership will be agreed at Full Council.

All committees, subcommittees and working groups are subject to the Town Council Standing Orders. The quorum for subcommittees and working groups would be one third of the agreed membership and in no case less than 3 Councillors.

Prior to the commencement of the Committee meeting members of the public will have the opportunity to speak to the Committee, as defined within Standing Orders. With the agreement of the Committee, the Chair may, during the Committee meeting suspend Standing Orders, if appropriate, to enable any interested parties to speak on a particular issue during the meeting.

5. Delegated Powers

The Planning Committee has full delegated powers to make a Council decision regarding representations to South Hams District Council or other appropriate bodies on all planning applications in the town re Standing Orders, unless the Committee decides, following Council guidelines, that the application should be passed to Full Council due to its size, controversial nature or potential effect on local people.

The Committee may also comment on behalf of the Town Council on licenses or street naming if requested to do so.

On all other aspects of its activity, the Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.

6. Records of Proceedings

Written minutes will be taken to record the Committee’s deliberations and decisions, will be received at the next Full Council meeting. Formal adoption of minutes and any matters arising would be brought up at the next Planning Committee meeting.

The minutes of any subcommittee will be included into the Planning Committee minutes to inform Full Council of the workings of that subcommittee. Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the Planning Committee on completion of their work, and may choose to prepare interim reports if they wish.

7. Administrative Support

The Governance and Projects Manager be responsible for the support and administrative duties of that Committee.

27. Terms of Reference for Link Councillors

1. Link Councillors

The Town Council seeks to appoint Link Councillors annually. It is open to any Councillor to put themselves forward to be elected to a link Councillor role or to propose new areas of interest. The areas currently are:

<ul style="list-style-type: none">• Business and Employment• Cultural Links• Elderly and Vulnerable People• Young People/Youth• Heritage	<ul style="list-style-type: none">• Arts• Traffic and Transport• Environment, Sustainability and Air Quality• Open Space, Sports Provision and Leisure• Disability
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Links on outside bodies

<ul style="list-style-type: none"> • TADPOOL • Totnes Allotments Association • Vire Twinning Association • Totnes Municipal Charities and Totnes Bounds Charity • KEVICC Foundation Governors • Parish Paths Partnership • Totnes Hospital League of Friends • Devon Association of Local Councils Committee • Dart Harbour Community Group • Totnes Chamber of Commerce • Totnes Fairtrade • Museum Trust 	<ul style="list-style-type: none"> • Caring Town • Network of Wellbeing • Bridgetown Alive • Friends of Totnes Museum • Daisy and Rainbow Childcare • Inclusive Totnes • Police and Crime Commissioner Advocate • Totnes Community Builders • Devon Countryside Forum • Rural Services Network • Friends of Salfit • TQ9 Partnership • Schools Engagement
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2. Aims

The Town Council created these roles in order to provide nominated Councillors who can:

- a) develop particular knowledge about each key area;
- b) liaise with groups in the town with relevant interests to be aware of current issues and activity;
- c) take up particular cases for individuals with an issue in their remit;
- d) develop relationships with relevant service providers;
- e) take information and views from the Town Council back to the groups;
- f) take matters for consideration back to Full Council via a motion or report.

~~28. Terms of Reference for Strategy Delivery Group~~

~~**Purpose:** The Strategy Delivery Group's role is to discuss and prioritise the objectives as set out in the Council's Strategic Plan under three areas: community, economy and environment, which will support and improve the social, economic and cultural life of residents, businesses and visitors.~~

~~The Strategy Delivery Group does not have any delegated authority but is a way of discussing issues and projects informally and including members of the community when relevant and by invitation only.~~

~~**Membership:** The Strategy Delivery Group will be made up of a minimum of three Councillors and no maximum number, with powers to co-opt as required named members of the public (with relevant experience) on a non-voting basis who must agree to abide by the Town Council Code of Conduct.~~

~~**Quorum:** Three Councillors.~~

~~**Power:** Local Government Act 1972, section 145.~~

~~**Delegated Authority:** no delegated authority, recommendations of a general nature to the Town Matters Committee for consideration and those of a financial nature will go to the Council Matters Committee direct.~~

~~1. Terms~~

~~1.1 — The Council's Standing Orders apply to all meetings of the Strategy Delivery Group.~~

~~1.2 — The Strategy Delivery Group shall be appointed on an annual basis at the Annual Meeting of the Town Council.~~

~~1.3 — The first order of business of the first meeting of the Strategy Delivery Group after its annual appointment will be to elect a Chair.~~

~~1.4 — The Mayor and Deputy Mayor of the Council shall be ex-officio, non-voting members of the Strategy Delivery Group.~~

~~1.5 — The Working Group will meet bi-monthly and made available as a hybrid meeting to encourage attendance.~~

~~1.6 — Meetings shall not be open to the public and any invites should be issued by Council Officers in advance of the meeting.~~

~~1.7 — Members of the Strategy Delivery Group will receive an agenda and supporting papers in advance of the meeting.~~

~~1.8 — A brief action note will be produced and fed back to the appropriate Council committee(s) for further discussion and decision making. These notes will form part of the committee papers made available to the public. The Clerk or member of the management team will attend and take notes, with other officers in attendance as required.~~

~~2. Responsibilities~~

~~2.1 — Each agenda will include an item for Community, Economy and Environment topics.~~

~~2.2 — To prioritise the Strategic Plan's objectives including the details of the question/package of work required in suggesting to the Town Matters Committee the setting up of any Task and Finish Groups.~~

~~2.3 — To monitor the progress, outcome and delivery against the prioritised objectives by the Strategy Delivery Group and any Task and Finish Groups created.~~

289. Terms of Reference for the Strategy Delivery ~~Group~~ Working Groups

Strategy Delivery ~~Group~~ Working Groups: Community; ~~Devolution~~; Economy; and Environment and Public Realm

Purpose: Each Working Group's role is to discuss the detail, prioritise and deliver the objectives as set out in the Council's Strategic Plan under the three themes of: community; ~~devolution~~; economy; and environment and public realm.

There is ~~a no~~ budget allocation for ~~the each~~ Working Groups to allocate. However, the budget allocation will be held by the ~~Strategy Delivery Group~~ Council Matters Committee who will consider recommendations from the Working Group. The working group does not have any delegated authority but is a way of discussing issues and projects informally and including members of the community when relevant.

Membership: The ~~community, economy and environment and public realm~~ Working Groups will be made up of a minimum of three Councillors and a maximum of ~~eight six~~ Councillors with powers to co-opt as required other Councillors and/or named members of the community (with relevant experience) on a non-voting basis who must agree to abide by the Town Council Code of Conduct. A Chair and Deputy will be elected.

~~The Devolution Working Group will be made up of the Mayor, Deputy Mayor, Chairs of Committee and two members.~~

Quorum: Three Councillors.

Power: Local Government Act 1972, section 145.

Delegated Authority: no delegated authority, recommendations to ~~the Strategy Delivery Group through~~ the Town Matters Committee, or Council Matters Committee where it concerns a budgetary matter, for consideration.

1. Terms

1.1 The Council's Standing Orders apply to all meetings of the Working Group.

1.2 The Working Group shall be appointed on an annual basis at the Annual Meeting of the Town Council.

1.3 The first order of business of the first meeting of the Working Group after its annual appointment will be to elect a Chair.

1.4 The Mayor and Deputy Mayor of the Council shall be ex-officio, non-voting members of the Working Group.

1.5 The Working Group will meet bi-monthly ~~or as required~~.

- 1.6 Meetings shall not be open to the public, but it is the intention of members to liaise and involve relevant members of the community as required.
- 1.7 The Working Group will be allocated an officer whose role will be to act as a link, particularly with the Chair. The link officer will attend the Working Group meetings on an as required basis.
- 1.8 Brief bullet points of actions will be required for ~~the Strategy Delivery Group for further Committee~~ discussion and forming recommendations/~~making decisions~~.

2. Responsibilities

- 2.1 To prioritise the objectives set out in the Strategic Plan which aim to support and improve~~ing~~ the social, economic, environment quality, and cultural life of the town for the benefit of its residents, businesses and visitors.
- 2.2 To deliver the objectives of the Strategic Plan, including providing details on how these objectives will be investigated or taken forward.
- 2.3 ~~To consider the matter of local government reform and devolution on the Town Council and the impact that such changes may have on its operation, the town and wider community.~~

~~2930~~. Terms of Reference for Advisory Bodies (Forums)

Advisory:

There is currently one group operating as an advisory body to the Town Council. This is:

- The Traffic and Transport Forum, which reports through the Planning Committee

The forum has developed its own Terms of Reference which indicate why it exists and how it wishes to operate. These Terms of Reference do not wish to cut across those stated aims, and are written solely to clarify the nature of the relationship with the Town Council, to whom each acts as an advisory body only.

1. The Town Council will nominate at least one Councillor to act as a link point with each forum.
2. The Council will seek the views of its advisory body on all matter of relevance to them.
3. Where an issue needs further consideration, the Town Council could request consideration of the issue by the forum. Or the Council could set up a working group, asking the forum if they would nominate members to join with the Council on the working group to consider the relevant issues.
4. It must be noted that ultimately responsibility lies with Councillors, and they may not always choose to take the advice of the forum.
5. The Town Council values the forum members. It will encourage people from across the town to join the Forum, as the recognised place for members of the community to air their detailed concerns and become involved on matters of relevance to the forum. A Forum may establish a smaller Steering Group drawn from the community which meets on a monthly basis (as required) to progress work, with the wider public Forum meetings held on a quarterly basis. In return it expects the Forums to:
 - Regularly promote their meetings and seek to encourage individuals and community groups to join them, in order to make them as representative as possible.
 - achieve transparency and openness by holding open meetings, publicising the agenda and reporting on their activity.
 - recognise the right of any individual or organisation to operate unilaterally, respecting everyone's opinions.

~~301~~. Terms of Reference for the Mayor and Deputy Mayor

The Mayor should provide a visible and strong presence in the town representing the Town and the Council. The Mayor should act within their role as a way for the Town Council to engage with the community as agreed by the Council and set out within Town

Council policies and procedures. They act as an independent advocate for both Totnes and the Council on all occasions both within and outside of the Town.

The Mayor's role in all Civic events is to act as the senior public face of the Town/Council, representing its continuity and heritage and using the dress and regalia of the Town Mayor when appropriate. They are expected to attend events.

In undertaking the role of community leader the Mayor should help to develop partnerships with all sectors of the community for the benefit of Totnes. In achieving this they will reflect policies and recommendations of the Council in an independent manner, to further the interests of Totnes.

As Chair of the Council the Mayor fulfils both the statutory responsibilities of the Chair of the Council and the specific responsibilities of the role as directed by the Council within its Standing Orders. Their principal role is to preside at meetings of the Town Council:

- a) To determine that the meeting is properly constituted and that a quorum is present;
- b) To inform themselves as to the business and objects of the meeting;
- c) To preserve order in the conduct of those present;
- d) To confine discussion within the scope of the meeting and reasonable limits to time;
- e) To decide whether proposed motions and amendments are in order;
- f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- g) To decide points of order and other incidental questions which require decision at the time;
- h) To ascertain the sense of the meeting by:
 - putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
 - declaring the result
 - To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- k) To adjourn the meeting when circumstances justify or require that course; and
- l) To declare the meeting closed when its business has been completed.

Additionally, together with the Committee Chairs, all Councillors and the Town Clerk, the Mayor through the Council committee meetings who report to Full Council, will oversee the effective management of all the resources of the Town Council, to deliver services to achieve the greatest benefit for the residents and businesses, including support for health and wellbeing, infrastructure, heritage and the economy of the town.

In undertaking the role of the Mayor they will receive support in their Civic role and in communications by the Administrator. In their statutory and non-civic role, the Mayor will be supported by the Clerk, including through regular one-to-one meetings.

The policy in relation to Mayoral expenditure is attached as Appendix D.

312. Operational Support Group

The Operational Support Group (previously Mayors and Chairs) will consist of the Clerk, Chair of the Council, Deputy Chair of the Council and Chairs of Town Matters, Council Matters and Planning.

The group will meet as required by the Clerk. These meetings are not open to the public. The Clerk will also liaise directly on a one to one with the Mayor and/or Chairs of Committees on individual operational issues if required.

The quorum for this group will be half of the agreed membership and in no case less than 3.

This is an informal meeting to discuss current and upcoming issues within and impacting the Town Council and to review agenda items for consideration. This group is advisory only and does not have delegated authority to make decisions.

323. Nolan Principles

All Councillors will adhere to the 7 principles of public life:

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



TOTNES TOWN COUNCIL SCHEME OF DELEGATION

Adopted: October 2024

Review date: July 2026

1. THE POWER TO DELEGATE

- 1.1 The power to delegate function by local councils is set out in the Local Government Act 1972 S.101 as follows:
- that a council may delegate its powers (except those incapable of delegation) to a committee or an officer (not a working group, forum or individual councillor).
 - a committee may delegate its powers to an officer.
 - the delegating body may exercise Powers that have been delegated (i.e. Full Council).
- 1.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.
- 1.3 The Proper Officer may nominate another named Officer to carry out any powers and duties which have been delegated to that Officer.
- 1.4 Where officers are contemplating any action under delegated powers which is likely to have a significant impact in a particular area, they should also consult the Members and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

2. FINANCIAL REGULATIONS (EXCERPT)

- 2.1 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over £10,000;
 - the Council Matters Committee for items over £5,000; or
 - the Clerk/RFO for any items below £5,000.
 - members of the management team for specific budget lines as decided by the Clerk/RFO for any items below £1000.
 - The Town Maintenance Officer for the TMO Tools & Consumables budget up to £100 excluding VAT.

3. DELEGATION TO OFFICERS

- 3.1 The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.
- 3.2 The Council may at any time, following resolution, revoke any delegated authority.

3.3 Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or the Council for a decision.

Responsible Financial Officer (currently Town Clerk)

3.4 The Responsible Financial Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

Proper Officer (Town Clerk)

3.5 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- a. To receive Declarations of Acceptance of Office.
- b. To receive and record notices disclosing personal and prejudicial interests.
- c. To receive and record notices of requests for dispensations.
- d. To receive and retain plans and documents.
- e. To sign notices or other documents on behalf of the Council.
- f. To receive copies of by-laws made by the local authority.
- g. To certify copies of by-laws made by the Council.
- h. To sign summonses to attend meetings of the Council.
- i. To arrange insurance.

3.6 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- a. The day-to-day operation of services, together with routine inspection and control.
- b. Day-to-day supervision and control of all staff employed by the Council.
- c. The day-to-day administration and oversight for organised events and activities.
- d. Authorisation of routine expenditure within the agreed budget (up to £5,000 unless otherwise resolved by Council).
- f. Emergency expenditure up to £5,000 outside the agreed budget (see Financial Regulations).
- g. Matters and increased expenditure specifically delegated by Council or Committee.
- h. Payment of authorised continuing contracts, including but not limited to monthly salary payments.

4. FULL COUNCIL

4.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration:

- a. Approval of the budget.
- b. Setting the precept.
- c. Approval of the Annual Return and Audit of Accounts.
- d. Agreement to write off bad debts.
- e. Approval by resolution, before payment, of any grant or single commitment in excess of £10,000.
- f. Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- g. Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg hire purchase or leasing of tangible assets).
- h. Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property £10,000 or over.
- i. Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- j. Approval of changes in earmarked reserves as part of the budgetary process.
- k. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- l. Making, amending or revoking by-laws.
- m. Making of orders under any statutory powers.
- n. Matters of principle or policy.
- o. Appointment of Standing Committees.
- p. Appointing Council Representatives to outside bodies.
- q. Confirming the appointment of the Proper Officer (Town Clerk) – all other appointments can be agreed by Council Matters.
- r. Elect Chairs of committee.
- s. All other matters which must, by law, be reserved to the Full Council.

5. COMMITTEES

5.1 The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

5.2 The Council may at any time, following resolution, revoke any delegated authority.

5.3 Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Council.

All Committees are authorised to:

- a. Elect a deputy Chair from within the membership of that Committee.
- b. Approve the Minutes of the last meeting of the Committee.
- c. Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve.
- d. Make recommendations on the budget requirement for the Committee for the coming Financial Year.
- e. Delegate any of their functions to a Sub Committee or Officer of the Council (not a working group, forum or individual Councillor)

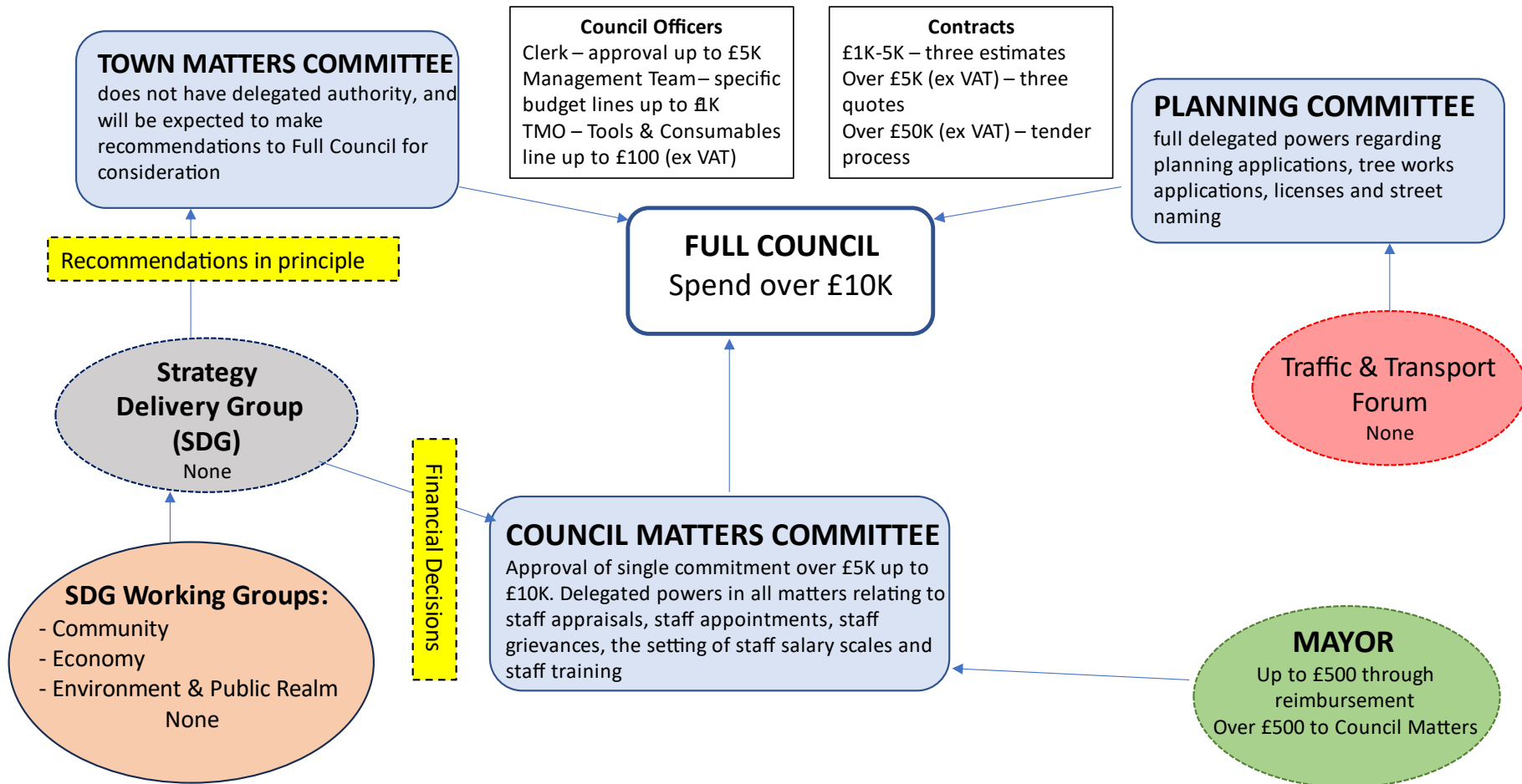
Overview

Committee/Working Group	Delegation
Full Council	Detail above. Approval of single expenditure over £10K.
Council Matters Committee	The Council Matters Committee will act as the Scrutiny Committee of the Council, monitoring the operational, civic, administrative, staffing and financial responsibilities as well as the assets of the Council. The Council Matters Committee may approve the income and expenditure of the Council on behalf of the Council, within the remit of existing agreed Town Council financial regulations (single commitment over £5K up to £10K). The Council Matters Committee has delegated powers to act on behalf of the Council in all matters relating to staff appraisals, staff appointments, staff grievances, staff disciplinaries and dismissals, the setting of staff salary scales and staff training.
Planning Committee	The Planning Committee will consider on behalf of the Town Council any matters, including the physical nature of the town, and anything concerning the quality of life of people who live, work in or visit the town. This will include: planning applications, tree orders; Neighbourhood Plan; Traffic and Transport; Housing; licensing. The Planning Committee has full delegated powers to make a Council decision regarding representations to South Hams District Council or other appropriate bodies on all planning applications in the town unless the Committee decides, following Council guidelines, that the application should be passed to Full Council due to its size, controversial nature or potential effect on local people. The Committee may also comment on behalf of the Town Council on licenses or street naming if requested to do so. On all other aspects of its activity, the Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.
Town Matters Committee	Town Matters Committee will consider on behalf of the Town Council any matters, excluding the physical nature of the town, and anything concerning the quality of life of people who live, work in or visit the town. This will include: welfare of the elderly and vulnerable; enrichment for children and young people; provision of social, leisure, sporting and recreational facilities; provision of adult education, cultural and library services; employment strategy; tourism development; crime and anti-social behaviour; climate emergency; community arts. The Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.

Strategy Delivery Group	None. Recommendations with budgetary implications to the Council Matters Committee. Recommendations seeking support/agreement of details to the Town Matters Committee.
Strategy Delivery Working Groups: - Community - Economy - Environment and Public Realm	None. Actions/recommendations to the Strategy Delivery Group for consideration.
Traffic and Transport Forum	None. Advisory group to the Town Council. Any recommendations to the Planning Committee.
Mayor	Civic Budget for: the funding of formal and informal civic events associated with the role of Mayor; civic events supported by the Council; cost of events attended or hosted by the Mayor; supporting the Mayor in raising money for their chosen charity. Appoint a Deputy Mayor. Civic Budget - Up to £500 (through reimbursement) with authorisation by the Town Clerk. Amounts of £500 and over need to be agreed by the Council Matters Committee in advance of agreement.
Council Officers	Delegation
Clerk/Responsible Financial Officer (RFO)/Proper Officer	As above, management of day-to-day operation of Council services and staff management matters. Approval of payments and expenses up to £5K. Emergency expenditure up to £10,000 in liaison with the Chair (if possible).
Finance and HR Manager	Approval of payments up to £1K on the following budget lines: staff training, travel & expenses; office supplies; Guildhall cleaning; Guildhall marketing & licences; Civic Hall caretaking, cleaning & supplies; Civic Hall Misc and marketing expenditure; Civic events; civic regalia; mayoral travel.
Marketing & Communications Manager	Approval of payments up to £1K on the following budget lines: marketing; other Tourist Information Centre expenses; Totnes Guide & Website.
Governance & Projects Manager	Approval of payments up to £1K on the following budget lines: Cllr IT equipment; Cllr training & travel; cemetery grounds maintenance; cemetery maintenance.
Town Maintenance Officer	Approval of payments up to £100 (excluding VAT) on the following budget line: TMO Tools & Consumables.
Contracts	Over £1K and up to £5K – 3 estimates (ideally) Over £5K (ex VAT) – 3 quotations Over £50K (ex VAT) – tender process and award.
Legal Deeds	Authorisation through Council resolution. Signed by 2 x Councillors or the Chair and Clerk as required. Witnessed by the Proper Officer [Clerk]

Chart showing the Council's scheme of delegation including reporting chains for working groups and forums to committees and Full Council.

TTC SCHEME OF DELEGATION & REPORTING CHAINS





TOTNES TOWN COUNCIL

RISK REGISTER

Risk Scores Matrix

		Impact		
		Low	Medium	High
Likelihood	High	Medium	High	High
	Medium	Low	Medium	High
	Low	Low	Low	Medium

No.	Risk description	Likelihood	Potential Impact	Gross Risk	Risk owner	Management/Control of Risk	Residual risk
Assets							
A1	Inadequate insurance cover or over insurance increasing costs unnecessarily.	Medium	High	High	Town Clerk and Council Matters Committee.	Insurance cover reviewed annually with brokers. Buildings reinstatement valuation survey carried out July 2022. Annual review of asset register by Clerk.	Low
A2	Fire in council owned/leased property.	Medium	High	High	Town Clerk	Insurance includes cover for fire. Fire risk assessments carried out for all council run buildings annually. Fire alarms fitted in all council run buildings and testing done weekly. Fire extinguishers in place in all council run buildings and serviced annually. Emergency evacuation procedures notified to all staff and users of the buildings. A contract is in place for an emergency response out of hours. Town Maintenance Officer (TMO) has responsibility for ensuring hazardous substances are stored safely and buildings are kept free from fire hazards. Copies of fire risk assessments are requested from the Museum leaseholders and confirmation of any corrective action needed is obtained. A fire alarm is fitted at the museum and fire extinguishers are in place.	Medium
A3	Poor security of buildings/property leading to vandalism, theft, fire, flood, leaks,	Low	High	Medium	Town Clerk.	All buildings/properties and contents are insured. Insurance is reviewed annually. Buildings secured outside working hours. Burglar alarm systems and external CCTV for Guildhall. Installation of CCTV at the Civic Hall has been ordered.	Low

	weather and accidental damage.					Fire alarm systems in all properties. Regular fire alarm checks carried out. Annual servicing of fire extinguishers. A contract is in place for an emergency response out of hours. Security at the Museum is the responsibility of the leaseholders.	
A4	Maintenance of assets: Inadequate maintenance of buildings etc.	Low	Medium	Low	Town Clerk.	TMO's role includes monitoring and maintaining council buildings. Buildings conditions surveys carried out every 4-6 years with latest carried out in September 2024. The annual budgets include allocations for general maintenance of all the Council's buildings and an Earmarked Reserve has been established for Emergency Capital Repairs.	Low
A5	Loss or theft due to poor security of valuables and cash (e.g. civic regalia).	Low	High	Medium	Town Clerk.	All valuables and cash are insured. Insurance is reviewed annually. Valuables stored in locked strong room out of hours. Building alarmed and a contract is in place for an emergency response out of hours. Building has external CCTV.	Medium
A6	Risk to the public in council owned open spaces (Cemetery, Castle Meadow and Coronation Rd).	Medium	High	High	Town Clerk, TMO and Governance and Projects Manager.	Tree risk assessment carried out by a professional tree surgeon every 4 years and any recommendations actioned. TMO monitors trees for safety and inspects after any storm/high winds. The Governance and Projects Manager has undertaken the training required to carry out headstone risk assessments and completes these on the recommended frequency. Any recommendations from the risk assessments are actioned. As part of the role, the Caretaker and Maintenance Assistant is required to check the Cemetery and Castle Meadow weekly for rubbish and hazards, and the safety of the exterior of Cemetery Chapel.	Low

A7	Damage or theft of Council vehicle and equipment.	Medium	Medium	Medium	Town Clerk and TMO.	The Council van and tools & equipment are insured. The van is parked where it is covered by CCTV.	Medium
Finance							
F1	Precept sum inadequate. Requirement not submitted in time.	Low	Medium	Low	Town Clerk and Councillors.	Budget and Precept considered by Council Matters Committee in December and Full Council in January each year. Precept is set as a result of a full report detailing requirements for the forthcoming year has been reviewed by the Council Matters Committee. The precept deadline is noted and complied with by the Clerk/RFO. The adequacy of reserves are reviewed annually at year end.	Low
F2	Inadequate budget preparation leading to inability to fulfil obligations.	Low	Medium	Low	Town Clerk and Councillors.	A fully costed budget proposal with alternative precept options is considered by Council Matters Committee and Full Council annually. The impact of the different precept options on proposed activities of the council are considered.	Low
F3	Devolution and inadequate financing of devolved assets.	High	High	High	Town Clerk and Councillors.	The Council has established an Asset Transfer Policy which provides a framework and set of guidelines for the Council to evaluate the transfer of assets or services from other authorities or organisations. It outlines the due diligence requirements, assessment criteria for both assets and services, and essential initial questions to develop a comprehensive business case. Council reserves are being kept high in the budget setting process to provide a buffer against any additional costs that may arise from the devolution of assets in the coming years.	High
F4	Poor security of Funds at Bank due to failure of bank	Low	High	Medium	Town Clerk and Councillors.	The Council's Bank is a large high street bank which has the minimum credit rating specified in the Financial Regulations.	Low

						Invested funds are only placed in interest bearing savings accounts with FSCS approved organisations.	
F5	Lack of an agreed investment policy for surplus funds.	Low	Medium	Low	Town Clerk and Council Matters Committee.	The Council has an Investment strategy which is reviewed every year.	Low
F6	Bank errors and/or inadequate checks leading to financial irregularities.	Low	High	Medium	Town Clerk and Council Matters Committee.	Bank reconciliation are completed each month by the Finance Manager and are reviewed by the Clerk. They are submitted to the Council Matters Committee meetings and are signed as reviewed by the Mayor or Committee Chair quarterly. There is a Primary User (Clerk) and a Secondary User (Finance Manager) set up on internet banking with appropriate authorities. Suitable controls are in place for use of the Debit card. Annual Internal Audit of controls is carried out annually by Independent firm.	Low
F7	Inadequate financial records leading to financial irregularities. Loss through theft or dishonesty. Payments for goods or services not received. Unauthorised payments. Income due to the Council not collected or banked.	Low	High	Medium	Town Clerk and Finance Manager	Clerk appointed as the Proper Financial Officer. Financial Regulations adhered to and reviewed annually. Annual Internal Audit of controls carried out by Independent firm. Bank reconciliation completed each month by the Finance Manager and are reviewed by the Clerk. They are submitted to the Council Matters Committee meetings and are signed as reviewed by the Mayor or Committee Chair quarterly. Budget monitor report reviewed by Clerk monthly and by the Council Matters Committee at each meeting. Invoices raised monthly and receipts issued for all cash income.	Low
F8	Loss of data through system failure or theft.	Low	High	Medium	Town Clerk and Finance Manager.	Finance and Payroll packages backed-up to server on completion of each input session. Sever backed-up daily to icloud.	Low

						Anti-virus software installed on server. Contractor used for all hardware and software issues.	
F9	Best value not achieved for contracts. Breach of the Public Contracts Regulations.	Low	Low	Low	Town Clerk and Finance Manager.	Financial regulations detail procedures to be followed when buying goods or services and awarding contracts. Annual Internal Audit of controls carried out by Independent firm.	Low
F10	Payroll: Incorrect payments to staff. Incorrect deductions made. Non-compliance with Pension Regulations. Payments not made to HMRC.	Low	Medium	Low	Town Clerk and Finance Manager.	Monthly wages spreadsheet prepared by Finance Manager and checked by the Clerk. Casual staff hours and additional staff payments are authorised by the Clerk SAGE payroll software package used which calculates wages and deductions monthly. Full payment submission to HMRC made monthly via SAGE. BACS payments of wages processed by Secondary User and checked and authorised by Primary User. Annual Internal Audit of controls carried out by Independent firm. Pensions Auto-enrolment rules adhered to.	Low
F11	Inability to meet election costs	Low	Low	Low	Town Clerk and Councillors.	Provision made in budget annually. Sufficient reserves held to cover any costs in excess of the budget allocation.	Low
F12	VAT: Errors in calculation. Payments not made/claimed to/from HMRC. Wrong treatment of VAT resulting in a fine or liability.	Medium	Medium	Medium	Town Clerk and Finance Manager.	Compliance with HMRC regulations. Professional advice sought where correct VAT treatment is not known. Input VAT only claimed where proper VAT invoices are held. Clerk and Finance Manager have attended training. Quarterly returns made. RBS Software used to compile returns. Returns reviewed by Internal Audit.	Low
F13	Annual Return not submitted on time. Incorrectly completed.	Low	Medium	Low	Town Clerk and Finance Manager.	Clerk/RFO aware of date. Clerk and Finance Manager have attended training. Accounts prepared by RBS Software Accounts.	Low

						Annual Return must be signed off by the Internal Auditor.	
Liability							
L1	Legal proceedings against the Council causing the reputation of the Council to be put at risk, officers / Members being personally accountable, and possible significant resource implication.	Medium	High	High	Town Clerk and Councillors.	Access to legal advice through NALC, SLCC, and independent solicitors. Insurance cover gives financial protection. Council protocols and procedures designed to prevent actions outside the law.	Medium
L2	Poor procedures for Health and Safety of staff, visitors and contractors leading to risk of financial liability if Council found to be at fault.	Medium	Medium	Medium	Town Clerk.	Public Liability insurance in place (limit of indemnity £10m). Insurance cover reviewed annually with brokers. Health & Safety Policy and Lone Working Policy in place. Risk assessment programme in place and risk assessments are completed for all events put on by the Council. Where events are run by an external contractor on behalf of the Council the contract includes H&S responsibilities. All new staff, Councillors and Volunteers are issued with an Induction booklet and relevant policies. H&S and risk assessment requirements included in facilities bookings terms and condition which are on the Council's website. Fire instructions for Civic Hall users are on the Council's website. PAT testing carried out annually. Asbestos register in place.	Low
L3	Non-compliance with Employment Law. Acts outside the Employment Law could lead to financial liability.	Low	Medium	Low	Town Clerk and Finance Manager.	Employer Liability insurance in place (limit of indemnity £10m). Insurance cover reviewed annually with brokers. Contract held with South West Councils to provide HR support and advice. Additional professional advice purchased when considered necessary.	Low

L4	Risk that the Council does not act within its legal powers. Ultra Vires Acts incurring financial liability.	Medium	Low	Low	Town Clerk and Councillors.	Clerk to verify legal position for any new proposal. Use of advice from NALC/DALC/SLCC. Members Code of Conduct in place and reviewed regularly.	Low
L5	Failure to comply with key legislative requirements	Low	Low	Low	Town Clerk.	Clerk to verify legal position for any new proposal. Use of advice from NALC/DALC/SLCC. Clerk keeps up-to-date with changes in legislation by networking and attending meetings/conferences with other Clerks.	Low
L6	Legal costs attributed to removal of trespassers from Council owned land.	Low	Low	Low	Town Clerk.	The access width and uneven terrain at the Cemetery and Castle Meadow would make them an unattractive site for travellers with caravans. Both sites offer very little shelter from the weather and would therefore not be attractive to rough sleepers. No issues of this kind have arisen to date.	Low
Governance							
G1	Conflict of interest - Council members or staff making decisions that benefit their personal interests rather than the community.	Medium	Low	Low	Town Clerk and Governance & Projects Manager	All Councillors complete the Register of Interests. Regular reminders are given to members to update their register entry if required. Standing agenda item for Full Council meetings. Induction programmes in place for new Councillors.	Low
G2	Inadequate oversight - Weak monitoring and review processes for council activities, potentially allowing issues to go undetected.	Low	Medium	Low	Town Clerk and Councillors	The Full Council meets monthly (excluding August when a Recess Committee can meet if required) and receives reports from the three Committees. The Council Matters Committee and the Planning Committee meet monthly (excluding August). The Town Matters Committee meets approximately every two months. Working Groups are established to feed into the Committees with recommendations. The Clerk meets weekly with the Mayor.	Low

						Councillors have the opportunity to attend training as required and are kept informed of available courses.	
G3	Poor decision-making - Lack of clear guidelines or procedures for decision-making, leading to inconsistent or biased outcomes.	Low	High	Medium	Town Clerk and Councillors	Standing Orders and Financial Regulations are in place and reviewed annually. Council Policies are kept up-to-date with a set programme of review. The Clerk keeps Councillors informed of advice and guidance from various sources such as NALC, DALC and SLCC, and policies are updated for any new developments. Councillors have the opportunity to attend training as required and are kept informed of available courses.	Low
G4	Poor leadership - Ineffective leadership from council members or senior staff, leading to poor morale, lack of direction, and operational issues.	Low	High	Medium	Town Clerk and Councillors	The Clerk has several years of experience in the role and networks with other experienced Clerks. She attends training and conferences to stay up-to-date with latest developments. The Clerk meets weekly with the Mayor and attends the monthly Full Council and Council Matters Committee meetings. Councillors have the opportunity to attend training as required and are kept informed of available courses.	Low
G5	Political interference - Excessive influence from external political actors, potentially compromising the council's ability to make impartial decisions.	Low	Medium	Low	Town Clerk and Councillors	The Council has 16 Councillors and all have a vote on decisions when in attendance at meetings. All Councillors complete the Register of Interests which includes any membership of political parties. Regular reminders are given to members to update their register entry if required. Standing agenda item for Full Council meetings. Each new Councillor receives an induction from the Clerk or member of the management team which includes sharing a number of guides, including NALC's 'The Good Councillor's Guide' which sets out the party politics isn't appropriate at Town Council meetings. There is very little external political influence at Town & Parish Council level of government.	Low

Reputation and Administration							
R1	Breach of confidentiality by staff or councillors.	Medium	Medium	Medium	Town Clerk	Code of Conduct in place. Data Protection Policy and Privacy Policy in place which all staff and councillors have been made aware of. Regular reminders issued to Councillors/staff. Included in new Councillors' and staff Inductions.	Low
R2	Improper and untimely reporting of meetings via the minutes.	Low	Medium	Low	Town Clerk and Governance and Projects Manager.	Full Council meetings are held monthly and receive the minutes of Committee meetings held in the interim. The Governance and Projects Manager has responsibility to ensure the minutes are made available to press and public via the Council website within a month of a meeting.	Low
R3	Lack of business continuity planning resulting in the risk that Council business cannot operate due to fire, flood, extreme weather event, power outage, act of terrorism, or any other significant event.	Medium	High	High	Town Clerk.	The Council established a Business Continuity Plan in November 2023. IT systems backed-up to i-cloud. IT support provided by contractor who would be able to reinstate systems. Insurance cover in place and reviewed annually. Internal staff cover arrangements identified where possible although budgetary constraints do not allow a staffing structure with cover for all staff. Written procedure documents established for financial processes and cemetery procedures.	Medium
R4	Loss of or incorrect recording in Cemetery records.	Low	Medium	Low	Town Clerk and Governance and Projects Manager.	Staff involved in managing the Cemetery and completing the records have had appropriate training. Cemetery records are kept in locked filing cabinets with access restricted to specific staff. Scanned copies of burial records from 1856 to 2018 are kept on the server back-up.	Low
R5	Risk to business continuity through inadequate staffing capacity and cover.	Medium	Medium	Medium	Town Clerk	The staffing structure is reviewed annual when the draft budget is prepared to ensure capacity is sufficient and appropriate for the coming year. Insurance cover in place for long term staff absence from accidents.	Medium

						Budgetary constraints do not allow a staffing structure with cover for all staff roles. External support would need to be sought and brought in as cover for any business critical duties arising from long term absence. Written procedures have been established for financial processes and cemetery procedures.	
R6	Failure to effectively manage media relations.	Low	Medium	Low	Town Clerk and Communications and Marketing Manager	The Council website is kept up-to-date. The Communications and Marketing Manager prepares or vets all communications with the public and media. A Communications and Media Protocol is in place and is reviewed every 2 years.	Low
R7	Risk to reputation from a qualified audit being returned.	Low	Low	Low	Town Clerk.	Financial Regulations and Standing Orders are in place and reviewed regularly. The requirements for the completion of the Annual Return are followed. Year-end closedown services are purchased from RBS Rialtas to provide an independent review of the accuracy of the Annual Return. Explanations for variances on the Annual Return of more than 15% between totals for individual boxes or of £100,000 or more year on year are provided. All supporting information and answers to queries from the External Auditors are provided promptly.	Low
R8	Risk to reputation with poor event management processes and risk to public safety.	Low	Medium	Low	Town Clerk.	Large events are contracted out to an experience Event Management provider with roles and responsibilities detailed in a contract. Risk assessments are completed for all council run events. Staff involved in administering in-house events have undertaken training on how to run safe and successful events.	Low

IT and Data Security							
I1	Failure of back-up Systems.	Low	High	Medium	Town Clerk	All files are on the One Drive cloud based system. This has a 2 stage recovery.	Low
I2	Server failure.	Low	High	Medium	Town Clerk	All programmes and documents can be re-installed so the risk is only for the working downtime this will result in while a new server is being sourced and built. Overnight hard drive back-ups are set up for quicker recovery.	Low
I3	Data corruption.	Medium	High	High	Town Clerk	One Drive keeps the two latest versions of documents and contract with IT service provider would enable quick recovery.	Low
I4	Virus or other corruptive Elements.	High	High	High	Town Clerk	Antivirus software is deployed on the server. Staff accessing the server from home are advised to only work on documents on the web. Staff made aware that documents must not be downloaded on to home PCs and loaded back onto the server.	Medium
I5	Infiltration/Hacking.	High	High	High	Town Clerk	Microsoft Defender for Office 365 is in place which is a cloud-based email filtering service that helps protect against advanced threats to email and collaboration tools, like phishing, business email compromise, and malware attacks. Cyber insurance cover is in place.	High
I6	Failure to comply with Data Protection Act.	Medium	Medium	Medium	Town Clerk	Office 365 is based in the EU and therefore complies with GDPR regulations. A Data Protection Officer has been appointed.	Low
I7	Failure of IT systems, networks or suppliers.	Medium	High	High	Town Clerk	Phone lines provided by reputable company. Office 365 has not had recent outages.	Low
I8	Failure to comply with software licence agreements.	Low	Low	Low	Town Clerk	IT service provider administers the software licences for Microsoft. Annual fees paid for Payroll and Accounts packages.	Low
I9	Access to email system once a Councillor or member of staff leaves/resigns.	Low	Medium	Low	Town Clerk	The Town Clerk and IT service provider can disable e-mail accounts and server access once Councillors or staff have left.	Low

ITEM 7 – EARMARKED RESERVES

Earmarked Reserves 2024/25

Account	Opening Balance	Net Transfers	Closing Balance
320 GREEN TRAVEL S106	0.00	5,992.87	5,992.87
321 VAN REPLACEMENT	0.00	20,000.00	20,000.00
322 COUNCIL WEBSITE	0.00	8,000.00	8,000.00
323 CHRISTMAS LIGHTS	0.00	30,000.00	30,000.00
324 CIVIC FUNERAL	0.00	1,000.00	1,000.00
325 EMERGENCY CAPITAL REPAIRS	0.00	100,000.00	100,000.00
326 COMMUNITY FACILITIES	0.00	45,000.00	45,000.00
327 DEVOLUTION TRANSFER OF ASSETS	0.00	50,000.00	50,000.00
	0.00	259,992.87	259,992.87



Councillors Code of Conduct

TOTNES TOWN COUNCIL

AGREED MAY 2023

NEXT REVIEW MAY 2025

This Policy (adopted from the NALC model) outlines the principles that should be adopted by Councillors in their role as part of the Town Council. It is designed to protect the Town Council's democratic role, encourage good conduct and safeguard the public's trust in local government.

Joint Statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
 - b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;
- and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication

- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor Conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life (the ‘Nolan Principles’)

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable

Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which ***affects*** –
a. your own financial interest or well-being;
b. a financial interest or well-being of a relative, close associate; or
c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter ***affects*** your financial interest or well-being:
a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject Description	Subject Description
Employment, office, trade,	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude,

	interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge): (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where: (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either: (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.



LEGIONELLA MANAGEMENT PLAN

TOTNES TOWN COUNCIL

AGREED APRIL 2024

NEXT REVIEW APRIL 2025

1. Introduction

The Legionella management Plan (LMP) details the duties and responsibilities of the Council officers who have a role in the management and control of Legionella bacteria within the Council's buildings.

2. General information

Legionella bacteria is commonly found in water. The bacteria multiply where temperatures are between 20-45°C and nutrients are available. The bacteria require a supply of nutrients to multiply. The presence of sludge, scale, sediment, algae and biofilm play an important role in harbouring and providing favourable conditions in which the legionella bacteria may grow. The bacteria are dormant below 20°C and do not survive above 60°C.

Legionnaires' disease is a potentially fatal type of pneumonia, contracted by inhaling airborne water droplets containing viable Legionella bacteria. Such droplets can be created, for example, by hot and cold-water outlets; atomisers; wet air conditioning plant; and whirlpool or hydrotherapy baths.

Anyone can develop Legionnaires' disease but the elderly, smokers, alcoholics and those with cancer, diabetes or chronic respiratory or kidney disease are at more risk.

HSE's Legionnaires' disease page provides information on managing the risks.

Infection is only a risk when there is inhalation of fine water droplets that are contaminated with high concentrations of Legionella bacteria. Healthy people are unlikely to contract an infection but can be serious for elderly people and others with respiratory problems or immune deficiency. Outbreaks are rare though well publicised.

Control is normally achieved by suitable design and maintenance of the water system and its associated plant. Additional control is achieved by appropriate storage of water and delivery of water at temperature which do not allow the bacteria to proliferate.

3. Legislation

As legislation is often amended and regulations introduced, the references made in this plan may be to legislation that has been superseded. For an up-to-date list of legislation and guidance documents please refer to the Health and Safety executive website <https://www.hse.gov.uk> . For the current version of this plan, relevant legislation and guidance include:

- The Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Control of Substances Hazardous to Health Regulations 2002
- The Health and Safety Executive's Approved Code of Practice L8 (Fourth edition), Legionnaires' disease: The control of legionella bacteria in water systems (ACOP) and HSG274.

4. Policy Application

Totnes Town Council recognises the need to protect its employees and others from the harmful effects of Legionella by;

- Complying with the above Regulations and the requirements of the Approved Code of Practise.
- Carrying out risk assessments reviews every year and ensure any required control measures are implemented.
- Appointing a person or persons to take managerial responsibility for the control of the disease.
- Taking all reasonable precautions to prevent its employees and others from breathing in droplets containing harmful levels of Legionella.
- Keeping records.
- Providing training.

5. Responsibility Structure

The Council delegates authority to the Town Clerk to act as Duty Holder. The Town Clerk is also the Responsible Person. The Town Clerk can be contacted via the phone number for the Council offices on the Council's website (01803 862147). The Town Clerk shall:-

- Accept management responsibility for all aspects of Legionella control.
- Ensure suitable arrangements are in place to identify all water systems managed by the Council and assess them for the potential risk of legionella infection.
- Establish suitable arrangements to manage identified risk areas, including identification of management responsibilities, training and competence.
- Ensure that adequate resources are available to address any needs identified in the risk assessments and that the risk assessments are acted upon.
- Review the risk assessments and any remedial measures implemented every year.
- Ensure that the established procedures are brought to the attention of all persons affected by them.
- Appoint the Town Maintenance Officer as 'Deputy Responsible Person' to implement and coordinate the procedures for the prevention of Legionnaires' disease.
- Review and sign the Legionella logbooks every 3 months.
- In the absence of the Town Clerk any member of the Management Team can cover as the Duty Holder and Responsible Person.

The Deputy Responsible Persons is the Town Maintenance Officer and shall:-

- Arrange for Risk Assessments to be carried out on the Council's water systems. The Risk Assessments shall be reviewed every year and when the original assessment may no longer be valid.
- Keep permanent records of all Risk Assessments.
- Arrange for remedial work to be carried out as highlighted by the Risk Assessment. This work is to be recorded on an Action Plan.
- Keep permanent records of all the remedial work with the Risk Assessments and also in the relevant property file. The records will be kept for 5 years and will be readily available for inspection.
- Put in place water temperature monitoring, cleaning, disinfection and certification routines and arrange for the routines and non-conformance to be fully recorded.
- Arrange for remedial work to be carried out as highlighted by water temperature nonconformance reports when the control limits are exceeded, where applicable.
- Keep permanent records of all the remedial work with the Risk Assessments and also in the relevant property file. The records will be kept for 5 years and will be readily available for inspection.
- Regularly review the Legionella logbooks to ensure the testing schedule is being adhered to and to identify any out of specification events which need further action.
- Provide the Town Clerk with the Legionella logbooks every 3 months for review and signature.
- In the absence of the Town Maintenance Officer the Duty Holder and Responsible Person will cover the Deputy Responsible Person's duties.

The Appointed Person is the Caretaker & Maintenance Assistant who shall:-

- Carry out and record the regular monitoring, testing and flushing as detailed in Appendices 1 & 2.
- Notify the Town Maintenance Officer of any out of specification events identified in the routine testing.
- In the absence of the Caretaker & Maintenance Assistant the Town Maintenance Assistant will take over the Appointed Person's duties.

Water Safety Group

- Members of Council's Water Safety Group are the Town Clerk as Duty Holder and Responsible Person and the Town Maintenance Officer as the Deputy Responsible Person.
- The Group members will meet weekly when any concerns or issues with the Council's water systems will be raised.
- Any agreed actions in relation to any issues raised or discussed will be recorded by e-mail.

5. Control measures

The Legionella risk assessment will be reviewed annually to ensure it is kept up to date and all required actions are implemented. The Risk Assessment reviews and details of any corrective action taken will be filed in the Risk Assessment folder in the Town Maintenance Officer's office.

To achieve ongoing control of Legionella, thorough flushing of the water system is required alongside any engineering controls.

Effective control measures will require the Council to:

- Monitor any water outlets that are not in regular use.
- Record the flushing of all water outlets.
- Record the temperature of hot and cold-water outlets.

Full details of flushing and testing regimes that need to be carried out can be found in Appendix 1.

Methods Statements for the flushing and testing regimes are included in the Legionella logbooks for each premises.

COSHH information on chemicals used is available at each Council premises.

7. Testing arrangements

Under certain circumstances, for example when there have been alterations or maintenance work to the water system, testing is to be carried out in accordance with Appendix 1.

Disinfection of the system will be necessary when testing indicates there is a sufficient level of Legionella present in the water system to require treatment.

8. Information, instruction & training

The Town Council will ensure that suitable and sufficient training and information is given to all maintenance, premises and facilities staff who have responsibilities for flushing, record keeping and taking temperature readings as required by the appendices.

In addition, postholders with specific responsibility for Legionella shall complete a minimum standard of awareness and testing training.

The Council will maintain a record of all instruction and training given to members of staff. Training shall be refreshed at least every 3 years.

9. Investigation in the case of a suspected outbreak

The Health Protection Agency in conjunction with the HSE are empowered to investigate all confirmed cases of Legionnaires' Disease in order to identify the source of infection.

An "Outbreak" is defined as "two or more confirmed cases of Legionellosis occurring on the same locality within a six month period". Location is defined in terms of the geographical locality and requires a degree of judgement.

In the unlikely event of an outbreak the Duty Holder will contact the Health Protection Agency immediately and arrange for the evacuation and sealing of the premises where the outbreak has occurred

The Health Protection Agency
Richmond Court, Emperor Way,
Exeter Business Park,
Exeter,
Devon,
EX1 3QS
Tel: 0844 225 3557

The enforcing authority may wish to see during their investigations;

- The Council risk assessment
- The Council's records of testing
- The Council's management plan

There may be a necessity to arrange for the emergency cleaning or disinfection of the water systems. If this is the case the Duty Holder will contact the Council's preferred contractors to arrange.

CONTROL SCHEME

(a) Schematic Diagram

The schematic diagram for the particular premises is contained in the Legionella Log Book, located at the premises. A further copy is held by the Town Maintenance Officer (TMO) in the Guildhall Council Offices.

(b) Description of correct and safe operation of systems

The water services systems at the premises operate under the following conditions of temperature:

Hot water should be stored at >60C and should reach 50C across all parts of the hot system and cold water should not exceed 20C across all parts of the cold system.

Where hot water temperatures have been reduced in lieu of supplementary water treatment some of the following tasks may not be relevant, however a comprehensive microbiological sampling regime should be implemented.

(c) Requirements and Precautions to be taken

The recommended monitoring actions must be undertaken by suitably trained and competent persons as defined in fourth edition Approved Code of Practice during normal operation and use of the system.

Records of all work undertaken must be kept for a minimum of 5 years in an appropriate format.

Actions must be taken in accordance with written procedures when control measures do not meet the specified requirements.

Where temporary changes of occupation or shut downs of the system for maintenance occur, separate procedures must be established and followed.

Where the previously identified remedial works have not been undertaken the following control measures may not be sufficient to control the risk of infection.

(d) Checks to be carried out to ensure efficacy of scheme

Action	No. at Civic Hall	No. at Guild Hall	Frequency	Responsibility
Point of Use Water Heaters (<15 Litres)				
Check flow, return and storage water temperatures.	1	1	Monthly	Caretaker & Maintenance Assistant
Hot & Cold Water Outlets				
Thoroughly flush any little used outlets.	2	4	Weekly	Caretaker & Maintenance Assistant
Thoroughly flush any supply to closed system top-up.	0	0	Weekly	N/a - none on the premises
Thoroughly flush any supply to expansion vessels that are not of the flow-through type.	1	0	Monthly	Caretaker & Maintenance Assistant
Check hot water temperatures at sentinel outlets.	0	2	Monthly	Caretaker & Maintenance Assistant

Check cold water temperatures at sentinel outlets.	5	4	Monthly	Caretaker & Maintenance Assistant
Check hot water temperatures at representative outlets.			Monthly on a rotational basis	N/a – both outlets tested (see above)
Check cold water temperatures at representative outlets.	5	4	Monthly on a rotational basis	Caretaker & Maintenance Assistant
Dismantle, clean and descale spray outlets.	0	1	3 Monthly	Caretaker & Maintenance Assistant
Ensure appropriate actions are taken during periods of low occupation or temporary closure of the premises.			As required	Town Maintenance Officer
Ensure appropriate actions are taken when parts of the water system are temporarily unused.			As required	Town Maintenance Officer
Other water systems				
Maintain hot drinking water dispensers as per manufacturer's instructions.	1	0	As required	Caretaker & Maintenance Assistant
Maintain cold drinking water dispensers as per manufacturer's instructions.	1	0	As required	Caretaker & Maintenance Assistant
Legionella Sampling Plan				
Consider carrying out microbiological sampling to verify efficacy of the control regime.			As required	Town Clerk & Town Maintenance Officer
Consider carrying out Legionella sampling at points in the system to verify efficacy of the control scheme.			Annually	Town Clerk & Town Maintenance Officer
Consider carrying out microbiological sampling when evidence suggests that the control regime is not being carried out correctly / non-conformances are not being actioned / primary and secondary controls are out of specification (HSG 274/HTM 04-01).			As required	Town Clerk & Town Maintenance Officer
Consider carrying out Legionella sampling when evidence suggests that the control regime is not being carried out correctly / non-conformances are not being actioned / temperatures are out of specification (HSG 274/HTM 04-01).			Weekly until temperatures are back in acceptable ranges.	Town Clerk & Town Maintenance Officer
Check the log book to ensure tests are being carried out and recorded.			3 Monthly	Town Clerk

Notes

Temperatures shall be done using a simple digital thermometer with immersion probe.

Definitions and explanations

Sentinel tap: a 'sentinel' is a sentry who stands guard over something, watching and keeping an eye on safety, and the term is used to describe the taps which are used regularly to monitor, sample and check the water quality and temperature. Basically, the sentinel taps are defined as the first and last ones on the system. For the cold water, they will be the taps nearest to and furthest from the incoming cold water main or cold water storage cistern, and for the hot water, they will be the nearest to and furthest from the hot water source, be it calorifier, vessel or water heater. All buildings will have at least two mains cold water, two stored cold water and two hot water sentinel taps, and they are usually easy to identify. For larger buildings, and campuses with several blocks, there may be more sentinel taps, which can be identified by reference to the water services schematic diagram for the site. Once identified and labelled, they will not change unless some major alterations are done to the water systems. Schematic diagrams are prepared when a formal Risk Assessment is undertake.

(e) Remedial actions to be taken

In the event of any out of specification results arising from the checking process set out in (d), these will be recorded and immediately reported to the Town Clerk. A repeat test will be carried out within 2 days and if the result is still out of specification arrangements will be made for any necessary sampling and/or maintenance work to be undertaken.

(f) Risk Assessment

The Risk Assessment will be reviewed annually by the Deputy Responsible Officer and a new formal risk assessment commissioned from a competent person/organisation if any changes to the buildings or water system have occurred since the last risk assessment.



APPRAISAL POLICY

TOTNES TOWN COUNCIL REVIEWED APRIL 2025

Totnes Town Council is committed to maximising individual performance and potential and will provide the necessary feedback, support and training to ensure that high standards of performance are maintained throughout the organisation.

Appraisals are an opportunity for people to seek and receive balanced feedback on their work performance from their manager. It is also an opportunity to identify and plan for future individual learning and development needs.

1. Purpose of Appraisal

The main purposes of an appraisal are to:

- Discuss positive achievements over the past 12 months and identify reasons for good performance.
- Discuss instances over the past 12 months where targets have not been met, jointly identifying factors preventing those goals being achieved.
- Agree standards of performance and behaviour by setting objectives, priorities and targets that are realistic and achievable.
- Provide a formal written record of performance and evidence of key objectives planned for the future.
- Encourage individuals to develop their skills and competencies through a planned approach to personal development and training, supported by the organisation.
- Discuss any training, personal or professional development needs and agree a Performance Plan to ensure that set objectives can be met and high levels of performance maintained.
- Explore long term training and development needs or educational goals that will support individual career pathways and develop the level of skills and expertise within the organisation.

- To ensure that performance has been to a sufficient level to warrant an annual salary increment (assuming there is progression for the employee within their allocated pay scale). This decision will be taken by the Town Clerk on completion of the appraisal and the Chair of the Council for the Town Clerk.

2. The Appraisal Cycle: Timetable

The annual appraisal process for all staff should take place during the spring/early summer of each year. The first Appraisal will be that of the Town Clerk at the end of the Mayoral year and as per the Standing Orders is completed by the Mayor and another Councillor of the Clerk's choosing. This will enable the targets and objectives set for the Clerk to be aligned with the Council's priorities for the new financial year.

After the Clerk's appraisal the management team appraisals will be done next followed by the rest of the staff. This will enable the Clerk to set objectives for staff that link in with the Council's priorities for the year and the objectives set for the Clerk.

All new employees will have a 6 week, 3month and 5 month review during their initial 6 month probationary period.

Targets set in the annual appraisals will be reviewed mid-year at the Town Clerk's discretion.

3. Responsibility

Both Line Managers and individuals have a shared responsibility throughout the appraisal process to ensure objectives are met and reviewed as appropriate. Individuals also have a responsibility to prepare for appraisals and to ensure they complete their part of the process on time.

4. Setting Objectives

The Clerk/Line Manager will agree individual objectives based on team and organisational objectives. It is hard to generalise about the number of objectives an individual will be set, however, as a guide, the number of key objectives should be a maximum of six.

5. Individual Preparation

The Appraisal Form has been produced to assist individuals in identifying relevant events and issues that can be discussed at the appraisal. It is important that some thought is given to identifying future priorities and tasks for the next twelve months. Consideration should also be given to how the proposed objectives can be achieved and the resources, training, advice or support that will be needed to achieve them.

6. Line Manager Preparation

The Finance, HR & Lettings Manager will set out a timetable for appraisals each year which will allow the individual enough time to adequately prepare for the meeting. Prior to the meeting the Clerk or the member of staff's Line Manager will undertake a full review of performance and achievements over the previous year, using the current Appraisal Form as a starting point.

7. The Annual Appraisal Meeting

The appraisal should be a two way discussion. The meeting should:

1. Review: objectives from previous 12 months & discuss individual's actual performance. Both parties should concentrate on established facts rather than on unsubstantiated opinions.
2. Explore: what factors affected individual performance examining both internal and external constraints and issues.
3. Agree: next year's performance objectives and identify any support and development plans for next twelve months. Targets set should be achievable and realistic in light of available resources including time, and should be capable of being monitored.
4. Plan: identify training and development needs and plan for implementation including costs and timescales.

8. Administration

At the appraisal the Clerk/Line Manager and individual will initially review the individual's previous objectives and the degree to which these have been met. They will then work through the areas set out on the appraisal form. After the appraisal, the Clerk/Line Manager will then be responsible for writing up the appraisal form, recording the discussions that took place at the meeting. The completed form will be given to the appraisee to read, add their comments and return to the Clerk for final signature. All signed Appraisal Forms will be passed to the Finance, HR & Lettings Manager to action any salary increment (which is back dated to 1st April of that year) and be recorded on Personnel files.

The Finance, HR & Lettings Manager will arrange any training for staff that has been identified on the appraisal forms, and a record kept of all training undertaken by staff during the year.

9. Who else will see the Appraisal Report?

Completed appraisal reports will be treated in confidence and access will be restricted. After the Town Clerk has seen the reports they will be kept in individual personal files. The Town Clerk appraisal form will be shown to the Council Matters Committee for information.

Next review Date: April 2027

ITEM 12 – YEAR END TIMELINE

Having checked the External Auditors deadlines for the accounts, the proposed schedule is:

9th April 2025 – RBS year-end closedown of accounts.

7th – 8th May 2025 – Internal Audit.

Mid/late May – Internal Audit report received.

2nd June 2025 FC meeting – Internal Audit report submitted, AGAR & Accounts approved. Documents signed at meeting by Chair.

3rd June 2025 – publish notice of the period for exercise of public rights.

3rd June 2025 – submit signed AGAR and supporting paperwork to External Auditors (deadline 1/7/25)

4th June 2025 – 15th July 2025 – Period for exercise of public rights (30 working days)

By the 30th September 2025 (statutory deadline) – publish the final audited accounts and confirmation of conclusion of audit

ITEM 13 – S137 VALUE FOR 2025/26

Section 137 expenditure limit for parish and town councils

The Ministry of Housing, Communities and Local Government has informed us of the increase in the [Section 137 expenditure limit for parish and town councils in England](#) for the 2025/26 financial year. The new limit is £11.10 per elector, up from £10.81 in 2024/25. The increase reflects the percentage rise in the retail price index between September 2023 and September 2024, in accordance with Schedule 12B of the Local Government Act 1972. Section 137 of the Act allows parish and town councils to incur expenditures for purposes that benefit their communities when no specific statutory power is available.

The Totnes electorate is 6386 and with the update above that makes the Totnes Town Council S137 limit for FY2025/26 £70884.60